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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,848	10/12/2001	Patrick A. Verta	HDN-101/US	1699

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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
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EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,848

Applicant(s)

VERTA, PATRICK A.

Examiner

Paul Nguyen-Ba

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Information Disclosure Statement filed on July 2, 2004.
2. Claims 1-30 have been considered. Claims 1 and 16 are independent claims.

Priority

3. This application claims benefit of provisional patent application 60/288,620 under 35 U.S.C. 119(e).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-18, and 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. ("Sullivan"), U.S. Patent No. 6,651,216, in view of Nolan et al. ("Nolan"), U.S. Patent No. 5,253,362.

Claims

Sullivan/Nolan

1. A program storage device...said methods steps comprising:

(a) providing a plurality of tabular forms, wherein each of said tabular forms contains data in a plurality of cells;

See Sullivan → Abstract and Figs. 4-7.

(b) providing a first means of activating a cell of interest of said plurality of cells in a tabular form of interest of said plurality of tabular forms to display a data sheet with corresponding data from a corresponding tabular form of said plurality of tabular forms;

Sullivan does not specifically teach *displaying a data sheet with corresponding data*.

However, Nolan teaches a method for annotating data objects wherein a cell in a flowsheet may have a form or report window (i.e. data sheet) associated with it which expands on the information in the cell (col. 2 lines 50-52) for the purpose of expanding cell information to include information such as parameter title, date, time, place, systolic and diastolic pressure, etc. (col. 5 lines 14-34; see also Figs. 4 and 5).

Since Nolan and Sullivan are both from the same field of endeavor, the purposes disclosed by Nolan would have been recognized in the pertinent art of Sullivan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan with the teachings of Nolan to include displaying a data sheet with corresponding data to the activated cell of interest for the purpose of expanding cell information to include information such as parameter title, date, time, place, systolic and diastolic pressure, etc.

(c) providing a second means of activating said cell of interest of said plurality of cells in said tabular form of interest of said plurality of tabular forms to display said corresponding tabular form.

See Sullivan Abstract → A way to navigate efficiently among worksheets in a workbook linked to a database that involves *double-clicking on a cell in a page showing totals and having the detail page associated with cell to be displayed*.

Art Unit: 2176

2. The device as set forth in claim 1, wherein said method steps further comprise the step of providing in said cell a plurality of descriptors.

Sullivan does not specifically teach *providing in said cell a plurality of descriptors*.

However, Nolan teaches descriptor notation signs (such as a1, a2, etc.) illustrated within a cell for the purpose of describing cell information contents (see col. 5 lines 36-50).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan with the teachings of Nolan to include a plurality of descriptors for the purpose of describing cell associated information contents.

3. The device as set forth in claim 2, wherein said plurality of descriptors comprises a plurality of signs.

Please refer to the rationale relied upon to reject claim 2.

5. The device as set forth in claim 2, wherein said plurality of descriptors comprises a plurality of tags.

Sullivan teaches providing within a cell descriptors, but does not specifically teach a plurality of descriptors comprising a plurality of tags.

It was commonly known to those of ordinary skill in the art and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use tags within a cell for the purpose of marking a section of a document with a formatting command.

6. The device as set forth in claim 2, wherein said plurality of descriptors comprises a plurality of statistical parameters.

Sullivan does not specifically teach a plurality of descriptors comprising statistical parameters. However, Nolan teaches annotations associated with each cell comprising statistical parameters (col. 5 lines 20-38; see also Fig. 4 and 5) for the purpose of describing the data associated with each cell.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching

Art Unit: 2176

of Sullivan with the teachings of Nolan to include a plurality of descriptors comprising statistical parameters for the purpose of describing cell associated information contents.

7. The device as set forth in claim 1, wherein said method steps further comprise the step of providing a manager with a plurality of tools to manage at least one data capture and management operation.

See Sullivan Figs. 4 and 10; col. 12 lines 51-52, 59-60. Toolbar and Menu Bars provide user commands to manage data capture and management operations.

8. The device of claim 7, wherein said method steps further comprise the step of providing means to display information of said at least one data capture and management operation.

See Sullivan Figs. 4-8C.

9. The device as set forth in claim 1, wherein said method steps further comprise the step of providing means to manipulate said data in said plurality of cells.

Please refer to the rationale used to reject claim 7 above.

10. The device as set forth in claim 9, wherein said step of providing means to manipulate said data comprises means to copy, cut, paste, edit, undo, drag, or delete.

See Sullivan col. 3 lines 22-26. It is also well known to those of ordinary skill in the art that spreadsheet software such as Microsoft Excel provide means to copy, cut, paste, edit, undo, drag, or delete for the purpose of manipulating data.

11. The device as set forth in claim 1, wherein said method steps further comprise the step of providing means to manipulate said corresponding data in said data sheet.

Please refer to the rationale used to reject claim 7 above.

12. The device as set forth in claim 11, wherein said step of providing means to manipulate said data comprises means to copy, cut, paste, edit, undo, drag, or delete.

See Sullivan col. 3 lines 22-26. It is also well known to those of ordinary skill in the art that spreadsheet software such as Microsoft Excel provide means to copy, cut, paste, edit, undo, drag, or delete for the purpose of manipulating data.

Art Unit: 2176

13. The device as set forth in claim 11, wherein said step of providing means to manipulate said data comprises means to use radio buttons, sliders, data menus, or click boxes.

See Sullivan Fig. 4 and col. 12 lines 59-60.

14. The device as set forth in claim 1, wherein said method steps further comprise the step of providing one or more additional means of activating said cell of interest.

See Abstract and col. 11 lines 22-23. Double-clicking activates a cell of interest.

15. The device as set forth in claim 1, wherein said method steps further comprise means to calculate said data.

See Sullivan col. 3 lines 10-16. The device retrieves data, calculates totals, and posts data back to a database.

Per independent claim 16, please refer to the rationale relied upon to reject independent claim 1.

Regarding claim 17, please refer to the rationale relied upon to reject claim 2.

Regarding claim 18, please refer to the rationale relied upon to reject claim 3.

Regarding claim 20, please refer to the rationale used to reject claim 5.

Regarding claim 21, please refer to the rationale relied upon to reject claim 6.

Regarding claim 22, please refer to the rationale relied upon to reject claim 7.

Regarding claim 23, please refer to the rationale relied upon to reject claim 8.

Regarding claim 24, please refer to the rationale relied upon to reject claim 9.

Regarding claim 25, please refer to the rationale relied upon to reject claim 10.

Regarding claim 26, please refer to the rationale relied upon to reject claim 11.

Regarding claim 27, please refer to the rationale relied upon to reject claim 12.

Regarding claim 28, please refer to the rationale relied upon to reject claim 13.

Art Unit: 2176

Regarding claim 29, please refer to the rationale relied upon to reject claim 14.

Regarding claim 30, please refer to the rationale relied upon to reject claim 15.

6. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. ("Sullivan"), U.S. Patent No. 6,651,216, in view of Nolan et al. ("Nolan"), U.S. Patent No. 5,253,362, in further view of Powsner et al. ("Powsner"), U.S. Patent No. 5,640,549.

Claims

4. The device as set forth in claim 2, wherein said plurality of descriptors comprises a plurality of colors.

Sullivan/Nolan/Powsner

Sullivan, in view of Nolan, teaches the method set forth in claim 2 as discussed above, but does not specifically teach said plurality of descriptors comprising a plurality of colors. However, Powsner teaches a method for determining the course of a patient's illness and response to treatment that displays a plurality of plot points in different respective colors (col. 151 lines 55-58) for the purpose of graphically differentiating cell plot points.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan, in view of Nolan, with the teachings of Powsner to include a plurality of descriptors comprising a plurality of colors for the purpose of graphically differentiating cell plot points.

Regarding claim 19, please refer to the rationale relied upon to reject claim 4.

Art Unit: 2176

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20020049615 A1	US-PGPUB	20020425	Huber, Janet B.
US 6549878 B1	USPAT	20030415	Lowry, Kent R. et al.
US 5682526 A	USPAT	19971028	Smokoff, Timothy L. et al.
US 6434531 B1	USPAT	20020813	Lancelot, Jean Francois et al.
US 5592945 A	USPAT	19970114	Fiedler, Steven P.
US 5325478 A	USPAT	19940628	Shelton, Richard et al.
US 5247611 A	USPAT	19930921	Norden-Paul, Ronald et al.
US 5208907 A	USPAT	19930504	Shelton, Richard E. et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776.

The examiner can normally be reached from 10:30 am - 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER